

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ELEVIA, INC.
Plaintiff,

v.

SENTINEL INSURANCE COMPANY, LTD.
Defendant.

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CIVIL ACTION NO. 4:19-cv-3859

NOTICE OF REMOVAL

Defendant Sentinel Insurance Company, Ltd. (“Sentinel”), pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal of the captioned action, Cause No. 2019-62916; *Elevia, Inc. v. Sentinel Insurance Company, Ltd.*; In the 151st Judicial District Court of Harris County, Texas. In support of this Notice of Removal, Evanston respectfully submits the following:

1. Elevia, Inc. (“Plaintiff”) commenced the captioned action by filing its Original Petition on September 4, 2019, in the 151st Judicial District Court, Harris County, Texas. Sentinel was served on September 16, 2019.
2. A certified copy of the state court file is attached as Exhibit A to this Notice of Removal.
3. The Petition avers that Plaintiff is a company whose principal office is located in Houston, Harris County, Texas.¹ Plaintiff is also a corporation organized under Texas law. For diversity purposes, Elevia is a Texas corporation.
4. The Petition alleges that Sentinel is “a foreign corporation, duly registered with the Texas Department of Insurance to do business in Texas.”² In fact, Sentinel is a Connecticut corporation whose principal place of business is the state of Connecticut.

¹ Petition, ¶ 3.

² Petition at ¶ 4.

5. Plaintiff seeks monetary relief “over \$200,000 but not more than \$1,000,000.”³
6. Sentinel does not admit the underlying facts as alleged by Plaintiff in the Original Petition or as summarized above. Sentinel expressly denies that it has any liability to Plaintiff.
7. Sentinel was served with the Petition on September 16, 2019. This Notice of Removal is filed within 30 days of service of the Original Petition and is timely filed pursuant to 28 U.S.C. § 1446(b).

DIVERSITY JURISDICTION

8. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a), and this matter is removable to this Court pursuant to 28 U.S.C. § 1441(a), because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000 exclusive of interest and costs. Plaintiff is incorporated in Texas and has its principal place of business in Harris County, Texas. Sentinel is incorporated in Connecticut with its principal place of business in Hartford, Connecticut.
9. The amount in controversy exceeds the jurisdictional minimum of \$75,000 set by 28 U.S.C. § 1332(a). Plaintiff affirmatively asserts damages greater than \$75,000.

REMOVAL PROCEDURE

10. The clerk of the 151st Judicial District Court of Harris County, Texas has been provided notice of this Removal.
11. The following related documents are attached to this notice and incorporated here by reference:
 - a. Index of matters being filed;
 - b. List of all parties and counsel of record; and

³ Petition ¶ 44.

- c. Certified copies of documents contained in the state court file from the 151st Judicial District of Harris County, Texas are attached as Exhibit A.

CONCLUSION

12. Based on the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Sentinel removes this case to this Court for trial and final determination.

Respectfully submitted,

/s/ Martin R. Sadler

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CERTIFICATE OF SERVICE

I hereby certify that on this the 7th day of October 2019, a copy of the foregoing has been served upon all counsel of record in this action by ECF Filing and/or facsimile, properly addressed to:

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/s/ Martin R. Sadler

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